

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

ORDER

00 CV 687 (RJD)(VVP)

LOUIS C. LEGAGNEUR,

Defendant,

and

WOODHULL NORTH BROOKLYN
HEALTH NETWORK,

Garnishee.

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DEARIE, District Judge.

In a Report and Recommendation dated August 17, 2012, issued following a hearing held at defendant's request, Magistrate Judge Viktor V. Pohorelsky recommends that this Court grant plaintiff's request for an order of garnishment in the amount of 10% of defendant's net earnings, subject to any showing defendant might make that a garnishment at that rate would pose a severe hardship for him and any dependents he might have. ECF #13. Defendant has not attempted to make any such showing, nor has he filed objections to the Report and Recommendation, and the time within which he might do so has now expired. The Report and Recommendation notes that Magistrate Judge Pohorelsky explained to defendant the basis for the requested garnishment, reviewed with him the possible exemptions that could apply, and determined that none did. Magistrate Pohorelsky further reports that during the hearing defendant offered no objection to the entry of an order of garnishment. Finally, Magistrate Pohorelsky reports that, in view of defendant's relatively modest income, plaintiff reduced its requested garnishment amount from

the 15% (of net earnings) initially sought to the 10% that Magistrate Pohorelsky recommends be ordered. Plaintiff has submitted an appropriately revised proposed garnishee order as part of its renewed motion to enforce its judgment. ECF #15-4.

Accordingly, the Court adopts the Report and Recommendation in full, grants plaintiff's motion for enforcement of its judgment, and orders the garnishment of defendant's wages as provided in plaintiff's proposed order (ECF #15-4).

SO ORDERED.

Dated: Brooklyn, New York
September 27, 2012

/s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge